

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 63121	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/EP2004/051311	International filing date (day/month/year) 30.06.2004	Priority date (day/month/year) 04.07.2003																								
International Patent Classification (IPC) or national classification and IPC H04L29/06																										
Applicant THALES																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 3 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:
 pages 1-22 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-8 received by this Authority on 23.04.2005 with letter
of 20.04.2005
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/10-10/10 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. 1-8 _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1-8	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: WO 03/051016 A (MERIGEAULT SANDRINE; LAMY CATHERINE (NL); MEILHAC LISA (NL); KONINKL) 19 June 2003 (2003-06-19)

D2: BORMANN C ET AL: "Robust header compression (ROHC), framework and four profiles: RTP, UDP, ESP and uncompressed" NETWORK WORKING GROUP REQUEST FOR COMMENTS, RFC 3095, July 2001 (2001-07), pages 1-168, XP002220600

1. The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claims 1 to 8 does not involve an inventive step as defined by PCT Article 33(3).

D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):

1.1 A method for exchanging data between two layers (cf. drawing 1, SSTK, DSTK) of a network stack in a data transmission system, which method comprises at least

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement the following steps: <ul style="list-style-type: none">- additional information is transmitted to a formatting step for producing said information in additional packets compatible with the network stack (cf. claim 1). Consequently, the subject matter of claim 1 differs from this known method in that: <ul style="list-style-type: none">- the data transmission system includes a header compression and/or decompression mechanism;- the method comprises transmitting the initial packets to a packet header compression/decompression step, simultaneously to the transmission of the additional information. The problem that the present invention is intended to solve can be considered to be that of the waste of the effective data signalling rate caused by the plurality of headers of the RTP/UDP/IP layers (cf. description, page 6, lines 1 to 4). The solution proposed in claim 1 of the present application is not considered inventive (PCT Article 33(3)) for the following reasons: According to the description provided on page 19, paragraph 6, the method of D2 has the same advantages as those mentioned in the present application. Consequently, to a person skilled in the art seeking to solve the stated problem, including this feature in the method described in D1 is a routine measure.
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<p>1.2 In the light of D1, D2 and the corresponding passages cited in the international search report, dependent claims 2 to 8 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of inventive step.</p>	

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box I

The amendments filed with the International Bureau in accordance with PCT Article 19(1) result in the application being extended beyond the content of the application as filed. Consequently, they contravene the provisions of PCT Article 19(2). The amendments concerned are the following:

Claim 1 states that:

for the purpose of transmitting information from the network access level, packets of useful data with a compressed header are generated from the packets containing the useful data and the packets containing the additional information, and the **two flows thus transmitted** are transmitted on the transmission channel.

However, page 14, lines 19 to 28 of the description and figure 7B indicate that:

the packets containing the useful data and the packets containing the additional information are transmitted to the header compression module 7, which generates packets of useful data with a compressed header and transmits them to the channel encoder 2 for transmission on the channel 5 (in the instance that a return channel is provided or when transmission is two-way) as well as the additional quantified information, which may be intended either for the channel decoder 3 or the channel encoder 2 if one is provided.

Hence, according to the description, **the additional information is not transmitted on the transmission channel**, since the channel decoder 3 and the channel encoder 2 form

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Supplemental Box

part of the receiver (the channel encoder 2 is only provided in instances where there is a return channel from the receiver to the transmitter).

The present report has been drawn up as though these amendments had not been made (PCT Rule 70.2(c)).